

## HOLIDAYS

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### OBJECTIVE

It is the Commonwealth's objective that employees be permitted to observe specific workdays as holidays, and that certain employees receive holiday pay for these days.

### I. EMPLOYEES TO WHOM POLICY APPLIES

This policy applies to positions covered under the Virginia Personnel Act to include full-time and part-time classified, and restricted employees. (See section II (A) of Policy 2.20, Types of Employment.)

### II. DAYS OBSERVED AS HOLIDAYS

#### A. Holidays

The Commonwealth shall observe the following 12 paid holidays, as well as any other days designated as holidays by the Governor or by the President of the United States.

1. New Year's Day - January 1
2. Lee-Jackson Day - Friday preceding the Third Monday in January
3. Martin Luther King, Jr. Day - Third Monday in January
4. George Washington Day - Third Monday in February
5. Memorial Day - Last Monday in May
6. Independence Day - July 4
7. Labor Day - First Monday in September
8. Columbus Day - Second Monday in October
9. Veteran's Day - November 11
10. Thanksgiving Day - Fourth Thursday in November
11. The day after Thanksgiving
12. Christmas Day - December 25

#### B. When holidays fall on a weekend day

A holiday that falls on a Saturday shall be observed on the preceding Friday. A holiday that falls on a Sunday shall be observed on the following Monday.

#### C. Alternate agency holidays

1. An agency that is required to be in full operation on the holidays designated above may establish an alternate holiday schedule. Such alternate schedules must provide the same number of holidays as provided in section II (A) above.
3. When an employee transfers between agencies that observe different holiday schedules, the employee shall observe the holidays of the agency

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to which he or she is transferring. No adjustments may be made for possible holidays lost or gained.

**D. How holidays affect employees**

To the extent possible, employees will not be required to work on holidays.

### III. HOLIDAY BENEFITS

**A. Requirement to receive holiday pay**

Except as provided in section V below, to receive holiday pay, employees must either work or be on paid leave on the workday before and the workday after the holiday. If the holiday is for a portion of a workday employees must:

- work or be on paid leave the workday before and the workday after the holiday, **and**
- work or be on paid leave the work hours preceding the holiday hours.

Note: Any portion of the day before, the day following, or the day of the actual holiday that an employee is on leave without pay will result in loss of holiday pay.)

**B. Rate of holiday pay**

1. Full-time employees  
Full-time employees will receive eight hours of pay for each holiday.
2. "Q" and part-time employees
  - a. Rate of holiday pay  
Employees who work less than 40 hours but at least 20 hours per week will receive holiday pay proportionate to hours worked

EXAMPLE:

A classified employee who works at 60% of the normal full-time schedule, or 24 hours per week, will receive 4.8 hours of pay for each holiday.

- b. Special circumstances
  - (1) If a holiday falls on a day when employees are normally scheduled to work more than the number of hours for which they would receive holiday pay, the employees may be allowed to work the additional hours on another day or charge the additional hours to accrued annual, family and personal, compensatory or overtime leave.

EXAMPLE:

An employee who normally works 60% of a full-time schedule, or 24 hours per week, has the following schedule:

Monday - 8 hours  
Tuesday - 8 hours

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Wednesday - 8 hours

Monday is a holiday and the employee does not work, but is entitled to only 4.8 hours of holiday pay. To make up for the additional 3.2 hours that the employee would have worked had Monday not been a holiday, he or she may work those hours on another day or may charge them to accumulated leave.

(2) If an employee does not work the additional hours or charge them to accrued annual, family and personal, compensatory, or overtime leave, he or she will be placed on leave without pay for those hours, and risk loss of holiday pay. Additionally, the employee will not be eligible to accumulate annual or sick leave during that pay period.

3. Employees who work alternate work schedules  
For full-time employees who work alternate work schedules, as defined in Policy 1.25, Hours of Work, agency heads or their designees must ensure that compensation for the holiday equals an eight-hour day. The method for providing this compensation should be documented in the agency's files.

EXAMPLE:

Employee works four 10-hour days

Monday	10 hours
Tuesday	10 hours
Wednesday	10 hours
Thursday	10 hours

- a. Monday is a holiday and the employee does not work, but is entitled to 8 hours of holiday pay. To make up for the additional 2 hours that the employee would have worked had Monday not been a holiday, he or she may work those hours on another day or may charge them to accumulated leave.
- b. If an employee does not work the additional hours or charge them to accrued annual, family and personal, compensatory, or overtime leave, he or she will be placed on leave without pay for those hours, and risk loss of holiday pay. Additionally, the employee will not be eligible to accumulate annual or sick leave during that pay period.

**C. When employees are required to work on a holiday**

1. Receive double compensation
  - a. Full-time classified employees (F)  
Full-time employees who are required to work on a holiday will be paid eight hours for the holiday and, in addition, will be paid or

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credited with compensatory leave for the hours actually worked. For employees eligible for overtime pay, hours worked shall be counted in the total hours for the work period to determine if the overtime rate is applicable.

- b. Employees who work less than 40 hours per week (Q and P)  
Employees who are scheduled to work less than 40 hours per week and who are required to work on a holiday will receive pay for the number of holiday hours proportionate to their work schedules and will also receive pay or compensatory leave for the hours actually worked.

2. Effect on overtime pay

- a. Employee works on holiday  
For non-exempt employees (eligible to receive overtime pay for hours worked over 40 in a work week), only hours worked over 40 in any one work week shall be compensated at the overtime rate, regardless of how many hours are worked during a holiday.
- b. Employee does not work on holiday  
Time off for holidays will not be counted as hours worked for calculating total hours worked in any week.

**D. When holiday falls on employees' scheduled day off**

- 1. Employees not required to work  
Employees whose scheduled day off falls on a holiday and who do not work that day may receive compensatory leave or be paid for the holiday, at the appropriate rate described in sections III (B) (1) and (2) above.
- 2. Employees required to work  
Employees who are required to work on a holiday that also is their scheduled day off will receive pay for working on a holiday, as described in section III(C)(1) above.

## IV. HOLIDAYS OCCURRING WHEN EMPLOYEES ON LEAVE OF ABSENCE

**A. Leave with pay**

Employees will not be charged with leave for a holiday that occurs during leave with pay. Instead, the time will be recorded as a holiday, and no alternate holiday will be given.

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**B. Leave without pay**

Employees on any type of leave of absence without pay on the workday before and/or the workday after a holiday will not be paid or receive an alternate day off for the holiday.

**C. Short-term Disability and long term-disability working**

Employees receiving short-term disability benefits receive holiday pay based on the percentage of income replacement they are receiving (100%, 80%, or 60%). If employees receive less than 100% income replacement they can use accrued leave to supplement to receive 100% pay.

Employees on long-term disability-working receive holiday pay based on the percentage of time they are scheduled to work. Employees who are also receiving LTD benefits receive holiday pay for that portion of the day based on the percentage of income replacement they are receiving. Employees can use accrued leave to supplement to receive 100% pay.

**D. Workers' compensation leave**

If employees are on workers' compensation leave and receiving salary supplements provided by the Commonwealth (see Policy 4.60, Workers' Compensation) when a holiday occurs, the holiday will be counted as part of the 92 calendar days for which the supplements are payable, and the employees will not receive an alternate day off for the holiday.

**V. WHEN HOLIDAY FALLS ON EMPLOYEES' EFFECTIVE EMPLOYMENT DATES, DATES RETURNING FROM LEAVE, OR DATES OF TERMINATION**

**A. When holiday falls on the first day of a pay period**

If a holiday falls on the first workday of a pay period (10<sup>th</sup> or 25<sup>th</sup>) and employees are scheduled to begin employment or return from leave with or without pay on the day following the holiday, the first day of the pay period will be considered to be the first day worked or the first day of return from leave such that the employees will be eligible to receive holiday pay.

**B. When holiday falls on the last day of a pay period**

If a holiday falls on the last workday of a pay period (9<sup>th</sup> & 24<sup>th</sup>) and employees' last day worked in state employment or last day on paid leave before leaving state employment is the day before the holiday, the holiday shall be considered to be the date of termination such that the employees will be eligible to receive holiday pay.

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**C. When holiday falls on the last day of the month**

If a holiday falls on the last day of the month and the employee will retire on the first day of the following month, the employee will receive pay for the holiday if he or she worked, or was on paid leave on the last workday before the holiday.

## VI. RELIGIOUS HOLIDAYS

**A. Reasonable accommodation**

Agencies should make reasonable accommodation for the religious holiday needs of employees, unless accommodation will result in undue hardship to the agencies.

1. If employees request time off to observe religious holidays which fall during their normal work hours, agencies should make reasonable efforts to allow time off for the holidays. Employees should request such leave in advance, to permit agencies to accommodate the requests.
2. Employees' requests for time off for religious holidays should be denied only if agencies' management determines that the employees' absences would cause the agencies undue hardship in conducting business. If a request for leave for this purpose is denied, agencies should be prepared to demonstrate that granting the request would have resulted in such a hardship.

**B. Leave balances charged**

Time off for religious holidays shall be charged to employees' accrued annual, family and personal, compensatory or overtime leave balances, or to leave without pay, as appropriate.

## VII. AUTHORITY AND INTERPRETATION

This policy is issued by the Department of Human Resource Management pursuant to the authority provided in Section 2.2 of the Code of Virginia. This policy supersedes Policy 4.04, Holidays, effective April 3, 1989.

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with section 2.2-1201 of the Code of Virginia. Questions regarding the application of this policy should be directed to the Department of Human Resource Management's Office of Agency Human Resource Services. The Department of Human Resource Management reserves the right to revise or eliminate this policy as necessary.